



SAN BENITO COUNTY BOARD OF SUPERVISORS

Margie Barrios
District No. 1
Chair

Anthony Botelho
District No. 2

Robert Rivas
District No. 3

Jerry Muenzer
District No. 4

Jaime De La Cruz
District No. 5
Vice-Chair

County Administration Building – Board of Supervisors Chambers, 481 Fourth Street, Hollister, California

REGULAR MEETING AGENDA SEPTEMBER 13, 2011

Mission Statement

The County Board of Supervisors will recognize the public trust it holds, will on all occasions conduct business with honesty, integrity, and respect for the individual, and will hold the organization of County government to that same standard.

The San Benito County Board of Supervisors welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter which does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Please complete a Speaker Card and provide it to the Clerk of the Board prior to the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair.*
- If you wish to speak on an item contained in the agenda please complete a Speaker Card identifying the item(s) and provide it to the Clerk of the Board prior to consideration of the item.*

Each individual speaker will be limited to a presentation total of three (3) minutes.

9:00 a.m. CALL TO ORDER:

- Pledge of Allegiance** to be led by Supervisor Botelho.
- Acknowledge Certificate of Posting.**
- Public Comment:** *Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.*
- Department Head Announcements:** Information only.
- Board Announcements, Introductions and Presentations:** Information only.

CONSENT AGENDA:

These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Approval of a consent item means approval of the recommended action as specified on the Agenda Item Transmittal.

If any member of the public wishes to comment on a Consent Agenda Item, please fill out a speaker card, present it to the Clerk prior to consideration of the Consent Agenda and request the item be removed and considered separately.

AGRICULTURAL COMMISSIONER – R. Ross:

- 1) Approve contract with the Department of Food & Agriculture to provide Sudden Oak Death quarantine enforcement work for the period of July 1, 2011 through June 30, 2012, for a total of \$545.88.

AGRICULTURAL COMMISSIONER – R. Ross:

- 2) Approve contract with the Department of Food & Agriculture to provide Light Brown Apple Moth (LBAM) Regulatory services for the period of July 1, 2011 through September 30, 2011, for a total of \$11,475.94.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 3) Authorize the County Behavioral Health Director to sign the Cal. State University Monterey Bay (CSUMB) agreement for the period of September 13, 2011 to September 13, 2014, for the placement of undergraduate student interns.

BEHAVIORAL HEALTH DEPARTMENT – A. Yamamoto:

- 4) Approve contract renewal with St. Helena Hospital Center for acute psychiatric hospital services for the period of July 1, 2011 through June 30, 2012, for a maximum amount not to exceed \$70,000.

BOARD OF SUPERVISORS – M. Barrios:

- 5) Adopt Resolution acknowledging and supporting the Condor Classic Bicycle Event to be held on Saturday, October 22, 2011. (Resolution No. 2011-73)

BOARD OF SUPERVISORS – M. Barrios:

- 6) Adopt Resolution acknowledging and supporting the San Benito County Chamber of Commerce as they celebrate their 100 year anniversary. (Resolution No. 2011-74)

BOARD OF SUPERVISORS – A. Botelho:

- 7) Adopt Resolution requesting the Governor declare a statewide emergency resulting from infestation of Dreissenid (Zebra) Mussels into the water bodies of the State of California. (Resolution No. 2011-75)

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 8) Adopt Resolution authorizing San Benito County Clerk to perform all necessary election services to conduct the General District Election for the Monterey County Office of Education to be held on November 8, 2011. (Res. No. 2011-76)

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 9) Augment the Elections FY 2011/12 Budget #1001140 with \$5,000 for additional election services provided to Monterey County Board of Education.

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 10) Approve levying of taxes and direct assessments for the Fiscal Year 2011-2012; adopt resolution for FY 2011-2012; approve the collection fee authorized by Government Code §29142. (Res. No. 2011-77)

CLERK OF THE BOARD – D. Thome:

- 11) Approve the action minutes of July 26, 2011, August 16, 2011 regular meetings and August 18, 2011 and August 19, 2011 special meetings.

COUNTY COUNSEL – M. Granger:

- 12) Approve Legal Services Agreement with the San Benito County Office of Education to provide up to ten hours of legal services per year at a rate of \$120/hour during FY 2011-12, and annually thereafter until cancelled.

COUNTY COUNSEL – M. Granger:

- 13) Adopt Resolution authorizing Code Enforcement to proceed with Administrative Abatement of the Public Nuisance at 1980 Bolsa Road (019-02-0-013-0) (regarding the Purple Cross RX Medical Marijuana Dispensary), and finding that a public nuisance does exist and that there is sufficient cause to abate the same, and directing that the nuisance be abated by the County at the expense of the owner and/or occupier, the expense to be specially assessed against the parcel, and a lien imposed, in the event of nonpayment by the owner or occupier. (Res. No. 2011-78)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 14) Approve Revenue Agreement with the California State Department of Parks and Recreation to fund EMS Services and mitigate impact of Hollister Hills SVRA for the period of January 1, 2012 to December 31, 2013; and authorize the Health & Human Services Agency to sign agreement.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 15) Approve the Emergency Housing & Assistance Program (EHAP) Agreement with the State Department of Housing & Community Development in the amount of \$25,247, and authorize the HHSA Director to sign the agreement and any amendments to such grant agreement.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 16) Approve the license agreement with ACT Inc. for the use of WorkKeys Skills Assessment System, and authorize the Deputy Director and/or the Director to sign said agreement.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 17) Approve the CA Multi-Sector Workforce Partnership MOU for the National Emergency Grant (NEG) between San Benito County and Partnering Workforce Investment Board's, and authorize the Director and/or the Deputy Director to sign said MOU and any amendments to such MOU.

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 18) Approve the CA Multi-Sector Workforce Partnership Agreement with the South Bay Workforce Investment Board, Inc. in the amount of \$176,493 and authorize the HHSA Director to sign the agreement and any amendments to such grant agreement; approve the FY 2011/12 budget augmentation in amount of \$176,493 for the CA Multi-Sector Workforce Partnership activities. (4/5 vote)

HEALTH & HUMAN SERVICES AGENCY – K. Flores:

- 19) Approve the deletion of one (1) Full Time Equivalent (FTE) Integrated Case Worker I/II (Range 14.9/16.9) to the Schedule of Authorized Positions and the addition of one (1) FTE Eligibility Worker I/II (Range 10.9/12/9) to the Schedule of authorized positions.

INTEGRATED WASTE MANAGEMENT – M. Rose:

- 20) Approve contract with Lawrence & Associates for Engineering Consulting Work on Landfill Expansion at John Smith Landfill for the period of September 13, 2011 to September 12, 2012 in the amount of \$30,345.

PLANNING DEPARTMENT – G. Armstrong:

- 21) Approve reimbursement agreement between Sandman and San Benito County to fully recover County costs to review and process this project.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 22) Approve Amendment No. 1 with Brummel, Myrick & Associates for mechanical engineering services for the Sheriff Administration/County Permit Center project, increasing the contract by \$1,200 for a total not to exceed of \$12,000.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 23) Approve Amendment No. 1 with Thoma Electric, Inc. for electrical engineering services for the Sheriff Administration/County Permit Center project, increasing the contract by \$2,200, for a total not to exceed amount of \$14,700.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 24) Approve contract change order No. 2 with Della Mora Heating, Sheet Metal & Air Conditioning Inc. for replacement of Courthouse Chiller and Cooling Tower project, in an amount not to exceed \$7,397.00 and a total contract amount not to exceed \$116,774. (4/5 vote)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 25) Adopt Resolution accepting donation of a bench in the amount of \$450 for installation on the Juan Bautista de Anza Trail. (Res. No. 2011-79)

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 26) Adopt Resolution accepting donation of funds in the amount of \$358 for the purchase and installation of trees at the San Benito County Historical and Recreation Park. (Res. No. 2011-80)

SAN BENITO COUNTY LONG TERM CARE COMMISSION – P. Valdivia:

- 27) Appoint Mr. Jonathan M. Hudson Sr. to the Long Term Care Commission for a three year term effective September 13, 2011 through September 13, 2014; reappoint Pauline Valdivia and Clay Kempf to the Long Term Care Commission for a three year term effective September 13, 2011 through September 13, 2014.

The Board will adjourn as the San Benito County Board of Supervisors and reconvene as the San Benito County Board of Equalization re:

San Benito County Board of Supervisors sitting as the County Board of Equalization:

- 28) Adopt the Finding of Facts for assessment appeal application (Daniel Emmett Lynch, APN 020-270-006-000) as revised.

Adjourn as the San Benito County Board of Equalization and reconvene as the San Benito County Board of Supervisors.

PUBLIC HEARINGS – 9:00 A.M. (Or as soon thereafter as the matter may be heard)

ADMINISTRATION – R. Inman:

- 29) Discuss and provide staff direction on Option 5C; read title of ordinance for the record: "An Ordinance of the County of San Benito amending Article III (Supervisory Districts) of Chapter 3.01 of Title 3 of the San Benito County Code, amending the boundaries of all Supervisory Districts as results of 2010 census Date"; open and conduct public hearing; accept introduction and waive further reading of ordinance and continue this matter to September 27, 2011 for adoption.

PUBLIC HEARINGS – 9:00 A.M. (Or as soon thereafter as the matter may be heard)

PLANNING DEPARTMENT – G. Armstrong:

- 30) Conduct a Public Hearing to review the project record and Planning Commission resolution No. 2011-08; read the title of the Ordinance for the record: "An Ordinance of the County of San Benito, amending Chapters 21.07 of title 21 and Section 19.29.003 and 19.29.005 of Title 19 of the San Benito County Code pertaining to the Growth Management System, General Plan Amendments allowing Potential Residential Growth Increase and General Plan Amendments"; accept introduction and waive further reading of the ordinance; and continue the matter to September 27, 2011 for adoption.

PLANNING DEPARTMENT – G. Armstrong:

- 31) Open public hearing regarding Enz Lot Line Adjustment No. 11-546; receive any public comments; close public hearing; no motion by the Board of Supervisors is necessary. The matter will be referred to the Planning Commission for a report on the proposed action's consistency with the General Plan, and will be brought back before the Board of Supervisors at a future date for further action.

REGULAR AGENDA:

For each regular agenda item, the following schedule shall occur:

- a) Staff report.*
- b) Public opportunity to address the Board on a particular agenda item. Please fill out a speaker card and present it to the Clerk prior to consideration of the item.*
- c) Consideration by the Board.*

SHERIFF'S OFFICE – D. Thompson:

- 32) Allow the Sheriff to accept a donation of \$1,000 from the Gavilan Kennel Club in support of the K-9 Unit.

ADMINISTRATION – R. Inman:

- 33) Discussion and direction to staff concerning the applicability of tax sharing agreement to Silver Oaks senior housing project.

ADMINISTRATION – R. Inman:

- 34) Rescind lay-off of one (1) Sheriff Lieutenant; allocate one (1) Sheriff Sergeant and add it to schedule of positions and delete one (1) Sheriff Lieutenant; authorize payment of accrued benefits over FY 2011/12 and FY 2012/2013; rescind lay-offs of one (1) Deputy Sheriff and two (2) Correctional Officers; approve appropriation and revenues of \$272,700 in Sheriff Operations and \$172,300 in Sheriff Jail as shown on attached operating Budget Transfer Adjustment.

CLERK/AUDITOR/RECORDER – J. P. Gonzalez:

- 35) Adopt Resolution establishing Audit Committee as a Standing Committee of the Board of Supervisors of San Benito County; Chairperson appoints two members to Audit Committee and Board affirm said appointments.

COUNTY COUNSEL – M. Granger:

- 36) Adopt Resolution supporting consideration of the most Southern Alignment of the proposed Highway 152 Trade Corridor and amending Resolution 2008-98.

COUNTY COUNSEL – M. Granger:

- 37) Adopt Resolution and approve purchase contract with Piper Jaffray & Co. and the Hollister Elementary School District providing for the issuance of Hollister Elementary School District 2011-2012 Tax and Revenue Anticipation Notes.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 38) Introduce an ordinance amending Chapter 17.01 of the San Benito County Code, Traffic Regulations, establishing a speed limit of 55 miles per hour (mph) on McCloskey Road between Fairview Road and the City Limits; waive the reading of said ordinance; and continue to October 18, 2011 for adoption of said ordinance.

PUBLIC WORKS DEPARTMENT – S. Wittry:

- 39) Receive informational report regarding pending action by the Regional Water Quality Control Board in reference to a Water Softener Ordinance within San Benito County and provide direction to staff.

CLOSED SESSION:

Matters discussed during Closed Session include existing and pending litigation, personnel matters and real property negotiations. Reportable actions taken by the Board during Closed Session will be announced during open session. (Gov. Code Section 54957.1(a) & (b), Ralph M. Brown Act.)

- 40) Conference with Labor Negotiators
Agency Designated Representative(s): Rich Inman
Unrepresented Employees: Appointed Department Heads in Non-General Fund Departments
- 41) Conference with Legal Counsel-Anticipated Litigation.
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: Number of Cases: (1)

- 42) Conference with Legal Counsel-Anticipated Litigation.
Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Number of Cases (1)
Closed session is authorized by Section 54956.9 (b)(3)(C)
- 43) Personnel (Government Code Section 54957). It is the intention of the board to meet in closed session to: Public Employee Discipline/Dismissal/Release

ADJOURN TO TUESDAY, SEPTEMBER 27, 2011 AT 9:00 A.M.

NOTE: A copy of this Agenda is published, along with supportive documents, on the County's Web site on the Friday preceding each Board meeting and may be viewed at www.cosb.us/government/meetings-agendas/. All proposed agenda items with supportive documents are also available for viewing at the San Benito County Administration Building, 481 Fourth Street, Hollister, CA between the hours of 8:00 a.m. & 5:00 p.m., Monday through Friday (except holidays). This is the same packet that the Board of Supervisors reviews and discusses at each Board meeting.

As required by Gov. Code Section 54957.5 any public record distributed to the Board of Supervisors less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the meeting if prepared by the County. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48 hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.